

IN THE COURT OF THE PRL.JUNIOR CIVIL JUDGE AT MADHIRA.

Dated this the 20th day of June, 2019.

Present: Sri K.Srikanth

Addl.Junior Civil Judge,
Madhira.

FAC- Prl.Junior Civil Judge,
Madhira.

E.P.No. 01 of 2019

in

O.S.No.85 of 2006

Between:

The Local Habitat for Humanity, Khammam

Rep. By its President, J.P.Satyanadam

....D.Hr/Plaintiff.

And

1. Burugu Yesu

2. D.Balasowry

3. V.Francis.

.....J.Drs/Defendants.

This petition coming before me for final hearing on 20.06.2019 in the presence of Sri.P.Krishna Rao, Advocate for D.Hr/Plaintiff and Advocate for J.Dr/Defendants remained set-exparte; upon perusing the material papers on record; upon hearing the arguments of both the sides and having stood over for consideration till this day, the Court passed the following:

O R D E R

1. This Execution Petition is filed under Order XXI Rules 54, 64 and 66 of C.P.C. praying the Court to attach and sell the petition schedule property.

2. The gist of the contents of the Execution Petition are as follows:

That the D.Hr. obtained Preliminary decree on 03.5.2011 and final decree on 17.4.2013 against the J.Drs/defendants in O.S.No.85/2006 and in spite of passing the decree long time, so far J.Drs did not choose to pay the decretal amount. The J.Drs intentionally evading to pay the decretal amount, though they are having sufficient means. As such vexed with the attitude of the J.Drs. The D.Hr is filing this E.P under Order.21 Rule 54,64 and 66 of C.P.C by way of Charging and the redeeming the mortgaged schedule property and sell the same in public auction. Hence, this Petition.

3. In spite of service of notice, the J.Drs did not appear either personally or through their counsel. Hence, the J.Drs/Defendants remained set-exparte.

4. To prove the claim of the D.Hr, P.W.1 filed chief examination affidavit wherein he stated in support of all the contents of the petition. He stated about filing of the suit by him against the J.Dr., passing of the decree by this court against J.Dr., failure of J.Dr. in paying the decretal amount. He further stated that as J.Drs. failed to pay the E.P. amount, the E.P. schedule property is liable to pay attach the E.P. schedule property and sale for the same.

5. Perused the material on record consisting of the contents of the petition, oral evidence of P.W.1. Found sufficient merits in the petition claim. As such, the court decided to take further steps of the execution.

RESULT:

6. In the result, issued attachment warrant against the E.P. schedule property. Call on **19-7-2019**

Typed to my dictation to Stenographer, corrected and pronounced by me in the open Court on this the 20th day of JUNE, 2019.

Prl.Junior Civil Judge,
Madhira.

-APPENDIX OF EVIDENCE-

-Witnesses examined for –

Decree Holder:

P.W.1: J.P.Satyanandam

Judgment Debtor:

-None-

-Exhibits marked for –

Decree Holder:

-Nil-

Judgment Debtor:

-Nil-

Prl.Junior Civil Judge,
Madhira.

